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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,588	04/03/2001	Mazen Chmaytelli	010042	3724
23696	7590	12/19/2005	EXAMINER	
QUALCOMM, INC. 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			RAMPURIA, SHARAD K	
		ART UNIT	PAPER NUMBER	
		2688		

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/825,588	CHMAYTELLI ET AL.	
	Examiner Sharad Rampuria	Art Unit 2688	
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			
Period for Reply			
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>12 September 2005</u>.</p> <p>2a)<input checked="" type="checkbox"/> This action is FINAL. 2b)<input type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
Disposition of Claims			
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-19</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-19</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>			
Application Papers			
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
Priority under 35 U.S.C. §§ 119 and 120			
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> 1.<input type="checkbox"/> Certified copies of the priority documents have been received. 2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
Attachment(s)			
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.</p>		<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>	

DETAILED ACTION

I. The current office-action is in response to the amendment filed on 9/12/05.

Accordingly, Claims 1-19 are pending for further examination as follows:

Claim Rejections - 35 USC § 103

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

III. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. (US 6643506) and Chen et al. (US 6496979).

Regarding Claims 1-4, 10-14 Criss disclosed a method of constructing a wireless telephone (36; fig.2), comprising operations of:

Providing wireless telephone circuitry including storage (50; fig.2);

Providing processing circuitry (40; fig.2; COL.8; 3-54)

Criss fails to disclose a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall one or more application programs contained in the storage responsive the telephone detecting a remote recall command.

However, Chen teaches in an analogous art, that installing a recall program in the storage, the recall program comprising a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall one or more application programs contained in the storage responsive the telephone (i.e. transfer of the selected setup package files and includes removing or uninstalling applications from the mobile device 3.

Preferably, application programs are uninstalled from the mobile device 3 prior to installing or transferring newly selected application programs. This allows memory 90 to be made available and user settings to be retained prior to the new installation of the selected application program.

Using the "uninstall" file, which can be created dynamically during installation of the application program and stored on the mobile device 3, the application manager module 12 parses the "uninstall" file to remove or delete the necessary files from the mobile device 3; see Col.14; 49-67) detecting a remote recall command received via a wireless network. (i.e. The invention may also be practiced in distributed computing environments where tasks are performed by remote processing devices that are linked through a communications network. In a distributed computing environment, program modules may be located in both local and remote memory

storage devices; see Col.6; 35-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall one or more application programs contained in the storage responsive the telephone detecting a remote recall command in order to provide a method of installing a program application on a mobile device includes storing information on the mobile device indicative of the application to be installed, and deleting the information on the mobile device as the application is being installed on the mobile device.

Regarding Claims 5-9, 15-19 Criss disclose all the particulars of the claim except automatically responsive to the recall command, the wireless telephone uninstalling the identified application program. However, Chen teaches in an analogous art, that The method of claim 4, the uninstalling operation comprising: the wireless telephone receiving a recall command via a wireless network, the recall command identifying at least one application program and containing instructions to uninstall the identified application program; automatically responsive to the recall command, the wireless telephone uninstalling the identified application program. (i.e. transfer of the selected setup package files and includes removing or uninstalling applications from the mobile device 3. Preferably, application programs are uninstalled from the mobile device 3 prior to installing or transferring newly selected application programs. This allows memory 90 to be made available and user settings to be retained prior to the new installation of the selected application program. Using the "uninstall" file, which can be created dynamically during installation of the application program

and stored on the mobile device 3, the application manager module 12 parses the "uninstall" file to remove or delete the necessary files from the mobile device 3; see Col.14; 49-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include automatically responsive to the recall command, the wireless telephone uninstalling the identified application program in order to provide a method of installing a program application on a mobile device includes storing information on the mobile device indicative of the application to be installed, and deleting the information on the mobile device as the application is being installed on the mobile device.

Response to Amendment

IV. Applicant's arguments with respect to claims 1-19 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

V. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

Art Unit: 2688

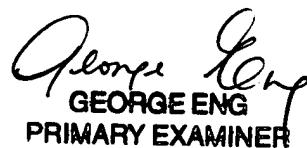
the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

VII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (9-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2688



GEORGE ENG
PRIMARY EXAMINER